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DISTRICT OF UTAH
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U.S. DISTRICT COURT

APR - 7 2000

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH

CENTRAL DIVISION

USANA, INC., a Utah corporation,

Plaintiff,

vs.

LINDA LIU, an individual, and USANA
GROUP, INC., a California corporation,

Defendants.

Entered on docket
4/21/00 by: _____
Deputy Clerk
**[PROPOSED] DEFAULT
JUDGMENT AND
PERMANENT INJUNCTION
AGAINST
USANA GROUP, INC.**

Civil No. 2:99CV 827 K

Hon. Dale A. Kimball

IN THIS ACTION, defendant USANA Group, Inc. was regularly served with Summons and Complaint in accordance with Rule 4 of the Federal Rules of Civil Procedure and this Court's Order of December 29, 1999. USANA Group, Inc. has failed to answer or otherwise respond to plaintiff's Complaint and the time allowed by law for answering or responding to plaintiff's Complaint has expired. For these reasons, the Clerk of the Court has entered a Default Certificate against USANA Group, Inc. in accordance with Rule 55 of the Federal Rules of Civil Procedure and according to law.

In light of the foregoing, default judgment against USANA Group, Inc. is hereby entered in accordance with Rule 55(b)(2) of the Rules of Civil Procedure. Judgment is entered in favor of plaintiff and against defendant USANA Group, Inc. as follows:

In light of the foregoing, default judgment against USANA Group, Inc. is hereby entered in accordance with Rule 55(b)(2) of the Rules of Civil Procedure. Judgment is entered in favor of plaintiff and against defendant USANA Group, Inc. as follows:

1. For judgment and decree of this Court permanently enjoining USANA Group, Inc., its officers, agents, employees, and all others acting in concert with it or any of them, from:

(a) Using in any manner the designation, "USANA," or any words or combination of words or letters similar thereto, in the advertising, marketing, or sale of USANA Group, Inc.'s or Linda Liu's products;

(b) Using in any manner any trademark, service mark, trade name, words, abbreviations, designs, arrangements, or other combinations thereof that would imitate, resemble, or suggest plaintiff's mark "USANA," or its trade name "USANA";

(c) Otherwise infringing plaintiff's mark "USANA," or its trade name "USANA";

(d) filing or registering the mark "USANA", or maintaining any filing or registration that includes the mark "USANA", with any state, federal or other governmental office or department, including the California Secretary of State; and

(e) Unfairly competing with plaintiff, diluting the distinctiveness of plaintiff's trade name and mark or otherwise injuring plaintiff's business reputation in any manner.

2. For an amount equal to three times the actual damages incurred by plaintiff as a result of defendants' unlawful and wrongful conduct, in an amount to be proved by plaintiff at an evidentiary hearing to be held at a future date in accordance with Rule 55(b)(2) of the Federal Rules of Civil Procedure;

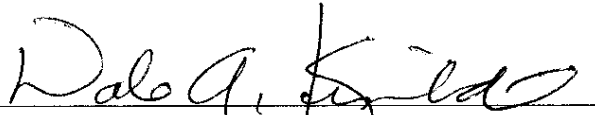
3. For an accounting by Linda Liu and USANA Group, Inc. of profits attributable to their unlawful and wrongful conduct, and for a judgment against USANA Group, Inc. in such amount, together with interest thereon as provided by law;

4. For plaintiff's costs and a reasonable attorneys' fee;

5. For such additional relief as the Court deems fair and just.

Dated this 20th day of April, 2000.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Dale A. Kimball", is written over a horizontal line.

The Honorable Dale A. Kimball
Judge of the United States District Court, District of Utah

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United States District Court
for the
District of Utah
April 21, 2000

* * CERTIFICATE OF SERVICE OF CLERK * *

Re: 2:99-cv-00827

True and correct copies of the attached were either mailed or faxed by the clerk to the following:

Linda Liu
1400 FIFTH AVE
#201
SAN DIEGO, CA 92101

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